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MAY 21 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROSS SHADE AND MARY C. SHADE

Plaintiff,

vs.

JUDICIAL COUNCIL OF STATE OF
CALIFORNIA

Defendant.

ADR
C08-02563

CASE NO. _____

**APPLICATION TO PROCEED
IN FORMA PAUPERIS**

(Non-prisoner cases only)

I, ROSS SHADE, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ___ No ☒

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: _____ Net: _____

Employer: _____

If the answer is "no," state the date of last employment and the amount of the gross and net salary

1 and wages per month which you received.

2 RE: "DATE OF LAST EMPLOYMENT" and other please see statement attached.

3
4
5 2. Have you received, within the past twelve (12) months, any money from any of the
6 following sources:

7 a. Business, Profession or Yes ____ No ☒
8 self employment?

9 b. Income from stocks, bonds, Yes ____ No ☒
10 or royalties?

11 c. Rent payments? Yes ____ No ☒

12 d. Pensions, annuities, or Yes ____ No ☒
13 life insurance payments?

14 e. Federal or State welfare payments, Yes ☒ No ____
15 Social Security or other govern-
16 ment source?

17 If the answer is "yes" to any of the above, describe each source of money and state the amount
18 received from each.

19 SOCIAL SECURITY OF ROSS SHADE \$ 1,442 PER MONTH NET OF MEDICARE & Rx coverage

20 SOCIAL SECURITY OF MARY C. SHADE \$558.00 PER MONTH " " " " "

21 3. Are you married? Yes ☒ No ____

22 Spouse's Full Name: MARY C. SHADE (CO-PLAINTIFF)

23 Spouse's Place of Employment: NONE

24 Spouse's Monthly Salary, Wages or Income:

25 Gross \$ NONE Net \$ NONE

26 4. a. List amount you contribute to your spouse's support: \$ TOTAL

27 b. List the persons other than your spouse who are dependent upon you for support
28 and indicate how much you contribute toward their support. (NOTE: For minor

children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.)

5. Do you own or are you buying a home? Yes ☒ No ☐

Estimated Market Value: \$ 275,000. Amount of Mortgage: \$ 276,230.

6. Do you own an automobile? Yes ☒ No ☐

Make FORD Year 1987 Model FORD ESCORT

Is it financed? Yes ☐ No ☒ If so, Total due: \$

Monthly Payment: \$ NONE

7. Do you have a bank account? Yes ☒ No ☐ (Do not include account numbers.)

Name(s) and address(es) of bank: BANK OF AMERICA & WELLS FARGO BANK
WOODLAND CA. note that only social security has been deposited and balances are zero by end month

Present balance(s): \$ 0

Do you own any cash? Yes ☒ No ☐ Amount: \$ 100.

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes ☒ No ☐

Home Office Computers, printer, copier \$500. Household furnishing, supplies, equipment. \$2500.

8. What are your monthly expenses?

Rent: \$ NONE Utilities: \$400.

Food: \$ \$400 Clothing: NONE

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed on This Account</u>
NONE	\$ NONE	\$ NONE
	\$	\$
	\$	\$

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

RE: Other debts, current obligations please see statement attached.

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10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes ____ No ✓

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.
RE: Other lawsuits (none of which raise claims that have been raised in this lawsuit) see statement attached.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

<u>May 20, 2008</u>	<u></u>
DATE	SIGNATURE OF APPLICANT

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2
3
4 ROSS SHADE AND MARY C. SHADE)
5 Plaintiffs)
6) CASE NO. _____
7 vs.)
8) ATTACHMENT TO
9 JUDICIAL COUNCIL OF STATE OF) APPLICATION TO PROCEED
10 CALIFORNIA) IN FORMA PAUPERIS
11 Defendant)
12)
13 _____/

14
15
16 Plaintiffs include this attachment as part individual forms (AO 240)
17 prepared by each of the co-plaintiffs:

18 As to #1 concerning EMPLOYMENT: Applicants have not been employed and
19 can not "state the date of last employment and the amount of the gross and net
20 salaries" because last employment was years ago.

21 Plaintiff Ross Shade was self employed and until 1990 was a partner of a
22 professional firm and since then has worked at attempting to find employment
23 when the need for additional income arose. Self employment was the consulting
24 with owners of small business enterprises and preparation of SEC documents for
25 use in connection with small corporation public offering and private placements,
26 reconstruction of accounting records and preparation of financial statements for
27 companies hoping to raise money. That type of self employment ended in
28 September 2003 when required to become a caregiver for my wife. Being unable
29 to be away from home for more than a few hours at a time has made consulting
30 with small business impractical and last receipts for reimbursement of travel
31 expense was also in September 2003 and since then the only receipts has been
32 from Social Security.

33 Plaintiff Mary C. Shade was a homemaker, providing care for children and
34 grandchildren. In May 2003 while recovering from an illness in care of a
35 Convalescent Hospital suffered injuries and when finally returning home in

1 September 2003 required Ross Shade act as a caregiver and, although not disabled
2 mentally, is no longer able to perform acts necessary to live without assistance and
3 without caregiver would be helpless if suffered a fall or needed other help during
4 an emergency.

5 As to #7 concerning BANK ACCOUNTS and other assets: Two bank accounts
6 shown are accounts to which Social Security benefits are deposited automatically
7 each month. These are shown as with zero balances because (except for one refund
8 from medical insurance) the only income is deposited (social security). Any
9 amount that is not spent for care and living costs remains in the account until
10 property taxes are paid in April and December.

11 Other assets are home furnishing and office equipment in two work areas
12 each containing computer and printer plus one copier essential for business and
13 plus materials and office supplies with no real market value.

14 As to #8 concerning "your monthly expenses": While we have no rent to pay we
15 have to pay for insurance, taxes and maintenance of our home purchases about
16 five years ago when we down sized after finding it was impossible to find any
17 employment even at entry level jobs with Several Service or other employers.
18 This section has no room to show costs of additional costs for treatment of a
19 condition in excess of what medical reimbursement is available; nor does it
20 provide space for cost of transportation including maintenance of a vehicle. Our
21 expenses for necessary food, shelter, and medical care are equal to our income
22 from social security and have had no money to have dental work performed or to
23 have surgery to improve the quality of our lives. Litigation since (December 2003)
24 has cost an average of perhaps \$100 a month for supplies. All courts to date have
25 allowed us to proceed in *FORMA PAUPERIS*.

26 As to #9 concerning "any other debts": We show no other debts as none are being
27 paid monthly. These include: (a) Over the past four years our two children have
28 provided emergency assistance when necessary and have paid for some medical
29 procedures that required co-payments we could not afford. We owe them even

1 money that they will need in order to pay costs of college educations for their
2 children. (b) During a period when home care services were being provided at no
3 cost, these costs will be a debt to be paid from estates. (c) Not listed are amounts
4 we were unable to pay on credit card accounts and which are not being paid in lieu
5 of filing for bankruptcy.

6 As to #10 concerning other litigation "seeking to file claims that have been
7 presented in other lawsuits": We have checked the "no" as we in this case are
8 suing the Judicial Council of the State of California and are not seeking to raise
9 claims presented in other lawsuits. This case against the Judicial Council arose
10 when in Shade vs. United Health Systems Inc. in the Superior Court of the County
11 of Yolo we discovered that our Answer to a Motion for Summary Judgment plus
12 supporting pleadings (that were filed timely and recorded by the Clerk of the
13 Court) had become "missing". When we asked an attorney to assist in this case his
14 answer was "sorry", "that court is something else", and "I never accept ANY cases
15 in that Superior Court of the County of Yolo". Finally I discovered that the Clerk
16 who assisted me in that she obtained the file and stayed to assist me if I had any
17 questions and finally obtained another file in which loose papers showed that the
18 someone with the court had contacted the opposition attorney's office and asked
19 that they provide a copy of the missing papers". When I asked the Presiding to
20 investigate and rectify the error where a judge of that Superior Court granted a
21 Motion for Summary Judgment his only response was that "Court found no reason
22 to investigate bias" and provided the address for the Commission of Judicial
23 Performance in case I wanted to file a complaint. In my complaint in this court I
24 claim that the use of the Commission on Judicial Performance is a ruse in an
25 attempt to misdirect me and others no different from that used by perpetrators of
26 this type of fraud in the aid of attorneys whom I am now also suing but in cases
27 concerning attorneys use trickery to avoid compliance with the Fair Debt
28 Collection Practices Act in connection with lawsuits filed for collection of debt
29 where each of eight collection case has been used by *debt collection law firms*.

1 I have filed two actions in the Eastern District U.S. District Court that are
2 pending approval of Applications to Proceed in Forma Pauperis that are (1) Shade
3 vs. Bank of America N.A. USA and (2) Shade vs. Wells Fargo Bank N.A.

4 I have also filed an appeal in the California Court of Appeal Third
5 Appellant District in the case (3) Shade vs. United Health Systems Inc.

6 As to the California Judicial System the Chief Justice says this is an
7 *advocate driven judicial system*. I have sought an advocate to assist me but am
8 now determined to proceed even though none of the hundreds of attorneys
9 contacted would help and the attorneys that I have worked with in the past, now
10 that I am *80 years old* are *no longer available*.

11
12 I declare under penalty of perjury that the foregoing is true and correct and
13 understand that a false statement herein may result in the dismissal of my claims.

14
15 May 20 2008

A handwritten signature in cursive script, appearing to read 'R. Shade', is written over a horizontal line.

16 Ross Shade Esq.